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ABSTRACT

This pamphlet on parliamentary procedure is the fifteenth of 16 in a series to provide leaders in adult activities with sound introductory material to give practical help in using a method of adult education or working in a particular area. Its objective is to help organizational leaders use parliamentary procedure to further the educative process and have better meetings. Seven articles and how-tos are included. "Move Over, Mr. Robert" challenges the formality inherent in "Robert's Rule of Order" in light of recent knowledge on group behavior. This article is followed by "General Robert Replies." "The Uses and Abuses of Parliamentary Procedure" discusses the seven cardinal sins and the seven cardinal virtues of parliamentary procedure. The role and responsibility of the chairman are considered in the next two articles, "The Chair Recognizes" and "The Role of the Chairman." Parliamentary law, its applications, and its basic principles are described in "The Law and Parliamentary Procedure." The final article, "Putting Parliamentary Procedure to Work," overviews parliamentary procedure in action. (YLB)

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Leadership Pamphlet #15

A practical aid to leaders in education, government, welfare, health, farm, labor, religion, industry, and the community . . .

STREAMLINING PARLIAMENTARY PROCEDURE

A challenge to traditional practices in the conduct of deliberative meetings, with a defense of parliamentary procedure in modern dress.

- The Uses and Abuses of Parliamentary procedure
- The Role of the Chairman
- Putting Parliamentary Procedure to Work

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Adult Education Association of the U.S.A.

Leadership Pamphlets are prepared and distributed by the Adult Education Association of the U.S.A. Each pamphlet provides leaders in adult activities with sound introductory material which can give practical help in using an important method of adult education or working in a particular area with insight and skill.

Pamphlets in this series are:

P1 —How to Lead Discussions
P2 —Planning Better Programs
P3 —Taking Action in the Community
P4 —Understanding How Groups Work
P5 —How to Teach Adults
P6 —How to Use Role Playing
P7 —Supervision and Consultation
P8 —Training Group Leaders
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P10—Working with Volunteers
P11—Conferences that Work
P12—Getting and Keeping Members
P13—Effective Public Relations
P14—Better Boards and Committees
P15—Streamlining Parliamentary Procedure
P16—Training in Human Relations

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INTRODUCTION

The question might well be asked, "What has parliamentary procedure got to do with adult education?" That it has something to do with it is suggested by the fact that the executive director of the Adult Education Association issued a strong challenge to parliamentarians in only the second issue of ADULT LEADERSHIP, in June, 1952. This challenge, "Move Over, Mr. Robert," is the lead-off article in this pamphlet.

In it Mr. Knowles makes the case that a too rigid interpretation of the RULES OF ORDER interferes with good problem-solving, and therefore, with the educative value of organizational experience.

The challenge was picked up by the parliamentarians, first by a series of letters-to-the-editor, of which that by Mr. English reprinted here is a constructive example, and then by a series of articles that appeared in the December, 1956, issue of ADULT LEADERSHIP. These articles were prepared with the cooperation of the Speech Association of America in an attempt to bring the traditions of parliamentary procedure into line with the findings of modern research on group behavior.

When asked if he felt the parliamentarians had met his challenge, Mr. Knowles replied, "They're moving in the right direction, but have a lot further to go." So apparently this pamphlet represents a milestone, not a destination.

We hope it will suggest lines of experiment and exploration to organizational leaders who wish to further the educative process—and have better meetings.

An open letter to the late General Henry M. Robert, author of *Robert's Rules of Order*, in which the effect of parliamentary law on group life is examined in the light of modern scientific knowledge and the General is advised to . . .

MOVE OVER Mr. ROBERT

You've had the whole road to yourself, as the saying goes, since the day in 1876 when you published your *Rules of Order*, Mr. Robert. In many ways you've done a heap of good with your little book. You've helped to make meetings orderly, in a sense, and you've given groups an authoritative guide to follow whenever they weren't able to figure out better ways of solving their own particular problems.

But in the last few years we've learned a lot you never knew about how groups behave. Social science has turned its spotlight on the "deliberative assembly," as you call it and has found that people think more clearly and act more forcefully and intelligently if they use other methods besides yours. So you don't have the whole road to yourself, any more, Mr. Robert. Move over. Make room for today.

Now, don't get angry, General, or defensive. We don't hold your *Rules* against you. We even admit you performed a service for your own day and time. The problem is, your time has passed, and yet you trouble us like an uneasy ghost, haunting our meeting halls and our clubs. Our groups, great or small, defer to you, adhering blindly to every rule in your little book whether it fits their situation or not. You're not entirely blameless for this unhappy state of affairs, though. For right in the introduction to your little book, you say, "The vast number of societies—political, literary, scientific, benevolent, and religious—formed

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all over the land, though not legislative, are deliberative in character, and must have some system of conducting business and some rules to govern their proceedings, and are necessarily subject to the common parliamentary law where it does not conflict with their own special rules."

So you're really the one who put the idea in Mrs. Jones' head that her women's friendship circle should act like a

bunch of feudal barons sitting in the chilly chambers of the House of Lords. In a way, too, General, it's your fault that almost every business meeting of practically every men's and women's club, labor union, board of directors, and committee is formidably formal and monotonous.

But we'll have to soften this accusation by admitting that it's not entirely your fault. For you do say that parliamentary law should apply to societies "where it does not conflict with their own special rules." You imply, at least, that each group can devise its own rules. Trouble is, General, that most groups and leaders can't devise their own rules, or haven't read this part of the fine print in your little book.

Maybe you should have given them more help in setting up special rules and procedures that would fit their situations. You'll see what we mean, Mr. Robert, when we tell you about a committee meeting we observed recently. The committee consisted of three men who'd known each other from boyhood. They'd worked together, golfed together,

visited in each other's homes. Now they'd been put on the committee of a social agency and were holding a regular meeting to make some decisions about institutional policies. They came into the meeting room greeting each other:

"Hi, Art!" "Hi, Sam!" "Hi, John!" They drew chairs up to a table and sat down. Art, the chairman, spoke. "The meeting will please come to order." (Page 276 of your book, General.)* He lifted his gavel and brought it down on the table. "Will the secretary read the minutes of the previous meeting?" (Page 262)

"Aw," said Sam, who was secretary, "let's skip all that. We got those in the mail."

"Do I hear a motion?" said Art severely. (Page 26)

"Mr. Chairman," Sam came back. (Page 27)

"Mr. Smith, you have the floor." (Page 27)

"I move the reading of the minutes be dispensed with and that they be approved as mailed." (Page 33)

"Is the motion seconded?" (Page 36)

"Mr. Chairman," John spoke loudly and clearly, "I second the motion." (Page 37)

"The motion has been made and seconded," Art's voice was full-bodied, formal, "that the reading of the minutes be dispensed with and that they be approved as mailed. Are you ready for the question?" (Page 38)

"Question," John volunteered.

"Those in favor say *aye*." (Page 41)

"Aye, aye," Sam and John intoned.

"Those opposed, *no*." (Page 41)

Silence.

"The *ayes* have it," declared Art, "and the motion is carried." (Page 41)

The meeting went on like this through committee reports, motions, amendments, amendments to amendments, privileged motions, principal motions, subsidiary motions, motion to adjourn. They took an hour doing what they could have done in fifteen minutes if they'd only behaved like good friends.

Page references are to Robert's Rules of Order Revised *(Chicago: Scott, Foresman & Co., 1943)*

You'll have to admit that this was pretty silly, won't you, General? Sure, we know you said in your book (Page 25), "There are many . . . cases in the ordinary routine of business where the formality of a motion is dispensed with. . . ." But in the very next paragraph you scared folks away from informality by saying (Page 26), "Before any subject is open to debate it is necessary, first that a motion be made by a member who has obtained the floor; second, that it be seconded (with certain exceptions); and third, that it be stated by the chair. . . ." The fact is, General, you've put things so darned authoritatively, we don't dare take liberties. If we do try to take any, some guy who knows your book from cover to cover might jump down our throats.

We're being a little unfair, you say? This meeting we've been talking about isn't typical: most groups don't misuse parliamentary procedure so badly? Well, maybe not quite. But almost. This is somewhat beside the point, though. What we want to stress is something that may be news to you. One of the main facts that our social scientists have discovered from their study of people, groups, and cultures is that people are nowhere the same, groups are different, situations are diverse. No uniform, stereotyped procedure, then—whether it's parliamentary or otherwise—can serve the needs of all groups, at all times, in all places. These differences in people, groups, or situations, General, require differences in procedure.

For instance, your parliamentary law assumes that the best thinking—or, as you put it, deliberating—is done in a formal atmosphere. Your book's full of provisions for maintaining "decorum." You say people should "address the chair," "be recognized," use "proper motions," confine themselves "to the question," and "avoid personalities." You say a lot about controlling members and their thoughts, but little about releasing them. This may be all right for Parliament, though we're not even going to concede this much until we've seen the results of some experimenting.

We do know, though, from statistically sound evidence (we'll be glad to quote it sometime when you have a minute to listen) that in most face-to-face groups the best thinking is done and the wisest decisions are made where things are informal, warm, friendly. We've found, General, that there is better communication or "interaction" among members of a group who feel at ease with one another than among members who are constrained by formality. And better communication produces better decisions.

By the way, when we speak of "face-to-face" groups, we don't mean just small groups of a dozen or so people. The fact is some hardy souls have broken away from the chains of parliamentary law and experimented with ways to get large assemblies—hundreds of people—working face-to-face. They've discovered a number of almost magical devices that we're going to talk about from time to time in this magazine.

Or take another example of the shortcomings of parliamentary law—we're calling them shortcomings, General, and we think maybe you're going to have to admit we're right—the shortcoming of having to make motions.

A motion, we take it, you intended as a device to bring proposed actions to the attention of the group. But can a group make a wise decision about what to do before the nature of the problem confronting it has been made clear?

It wouldn't be so bad if, to start discussion a member were to say something like, "I move we spend five minutes to define what the problem is and then explore various solutions." But this rarely happens. Typically, the first opportunity a group has to consider whether a problem exists comes when someone suggests a solution for it. We won't go along with you when you say there can't be any discussion until a solution has been put forward as a motion.

See what such a step does. It frames or sets a problem in terms of a group's first thoughts about it, and what's worse, *commits a group to thinking about only one particular solution before other possible solutions have been considered.* Such a procedure, General, freezes discussion at an early and immature stage of the group's thinking, and the only way to take advantage of later thought and consideration is through the awkward business of amendment and amendment to amendment.

Furthermore, General, this motion-making business sets up a kind of military atmosphere. You're comfortable enough, probably, in a military atmosphere, but you'll have to admit that it is more favorable to fighting—pardon the impertinence—than to thinking. By starting thinking off with a motion, you set the stage for "either-or" thinking. You draw a battle line between those who are for and those

who are against. Anyone who makes a motion is almost compelled to defend it. Of course, no one's going to force him to defend his motion, but because he's gone through the formality of making a motion, he's produced a psychological atmosphere that traps him into standing up for it.

"Well, now, smart alecs," you say, "and how would *you* get a group to talk to the point without a motion?"

Take it easy, General—though you probably don't have to watch your blood pressure anymore. We're not saying there's never a time or place for making a motion. We're only saying let's put the motion where it belongs—when we have to use it—at the end of the thought process. The reason for this timing becomes clear when we understand

how straight thinking works. Would you maybe agree with us that it involves these steps?

1. Defining the problem
2. Discovering the factors and forces underlying the problem
3. Getting all necessary information about the problem and possible solutions
4. Exploring various solutions
5. Testing these solutions against facts and experience
6. Making a decision, planning action
7. Evaluating results

Can you see now, General, why we're opposed to having a motion where you put it, in the beginning in step one? It belongs near the end, in step six. A motion, you see, doesn't define a problem at all; it defines a solution. And if a group starts out thinking about solutions before it's clear about what the problem is and before it has collected some facts to base its solutions on, why, that group's going to get all tangled up in uninformed wrangling. Such procedures stop thought, they do not start it.

And now, General Robert, we'd like to put in a word about our main gripe. We don't like your insistence on voting on everything. Don't get us wrong, we're for voting if there's no other way of getting a group decision. But too much voting is a bad influence on group life. Voting is a kind of military device. It's based on the idea of deciding an issue by power—the power of the majority. It divides a group into winners and losers; and although, under the rules of the game, the losers agree to go along with the will of the majority, they don't feel actively committed to the decision. The problem, therefore, General, isn't completely solved; and it can be ruinous to a group to go along on the theory that just because a vote has been taken, the problem has been solved. We're convinced that no solution is a final solution unless everybody concerned agrees to it.

Don't misunderstand us, General. We're not saying there's never an occasion for a group to vote. We are saying that parliamentary law is sort of trigger-happy about the business of voting. Parliamentary law makes voting the *normal* method of making decisions. We say it should be reserved until all chance of getting consensus has been

exhausted. Consensus, or general agreement, should be the normal method.

There are some other points about your system we'd like to argue with you some day, General Robert, but maybe you'd like to think over what we've already said for a while. We hope you don't have any hard feelings about what we've said. We've been pretty critical, admitted. We can say, though, that you did a pretty good job on the basis of what people knew about human behavior in your day. But the psychology and logic of human relations have advanced since then.

Today the human relations problem in group meetings is not seen negatively as the problem of keeping order. It is seen positively as the problem of creating the atmosphere and procedures that help people to work together productively.

Your rules of order, which are logical enough if we grant your apparent assumption that formality is needed to keep order, become positively *illogical* when we make the modern assumption that formality stands in the way of creating the friendly and exploratory attitudes which good problem-solving seems to require.

But we aren't blaming you, General. Just move over so you won't impede progress.

◇◇

General Robert Replies

▶ I read your article "Move Over, Mr. Robert" with mixed feelings and have repeatedly tried to make contact with you. You see, I did move over 'way back in 1923—quite definitely, legally, and formally.* At long last Bob has consented to try to help me get through.

I'm very glad to hear that you have discovered that "groups are different, situations are diverse." Others, including myself, have discovered the same thing at various times during the past few thousand years. I tried to recognize this obvious fact in my *three* books. (You see I realized to some extent the inadequacy of my *Rules of Order* and wrote *Parliamentary Practice* and *Parliamentary Law* to supplement it.)

Being aware of the diversity of various groups, I included in my rules provisions for *suspensions of rules* and stressed the need for each organization to develop its own rules. For example, in my *Parliamentary Law* I say "most societies need some special rules relating to the transaction of business in their meetings which modify the adopted standard rules of order."

You are perfectly right in saying that it is desirable to have things warm and friendly. I now realize that my books failed to encourage congenial, tolerant attitudes which lead to intelligent compromises, that help to develop a consensus, that prevent and dispel disagreements, and that help folks to "disagree agreeably" when there is still no consensus.

You are not sufficiently clear when you say "formality stands in the way of creating the friendly and exploratory attitudes which good problem-solving seems to require." I assume that you refer to formality that is cold, stiff, and insincere. If so, I agree. However, it is important

*General Robert died in 1923, at the age of 86.

that we realize that formality in the general sense is the observance of accepted modes of procedure—from keeping to the right on the road to having a chairman at a meeting; from wearing shoes to talking one at a time. In this sense formality is that essential without which we would have complete anarchy, utter confusion, inability to express ourselves even in sign language. I hope that you and other social scientists will help eliminate forms which are archaic and ineffective, and that you will help to develop newer and better techniques. However, it is important for us not to tear down whatever is better than nothing, until we have something better to substitute. We shouldn't demolish our house before we have built a better one.

You are correct in claiming that meetings should not be "formidably formal and monotonous." You are incorrect in assuming that "almost every business meeting" is stiff and uninteresting. Too many are. But many others are warm, interesting, and effective in transacting business —often by the "normal method" of developing consensus. In many groups most decisions are made by general consent or by a vote which is unanimous.

You are correct in your implication that my *Rules of Order* does not adequately provide for the development of consensus. But what is the answer? How can we prevent decisions by a bare majority without the danger of having decisions not to act made by a minority? Sometimes it is more important to act, than it is to decide just what the action shall be. If my house is on fire, it may be more important for me to get out, than to worry about whether to leave by the front or the back door. How can we make it easier to defer action until a consensus has developed and at the same time make it possible to take prompt, effective action in an emergency?

Your suggestion is excellent, that we extend the use of motions to define problems and to explore various solutions. I regret that my books did not adequately encourage such techniques. You will make an important contribution if you help develop and implement such procedures. However, until better books are published, such methods can properly be used where my *Rules of Order* is still the parliamentary authority.

You are mistaken when you say that the ordinary motion proposing a specific solution "commits a group to thinking about only one particular solution before other possible solutions have been considered." In the first place, such a motion often comes from a committee which has considered several solutions to the general problem involved. In the second place, when the motion is presented to the assembly, there is an opportunity for each member to advance other solutions, whether by debate or by amendments.

I wish you luck in your important task of "creating the atmosphere and procedures that help people to work together productively." Take your Tool Kit and your new understanding "about how groups behave" and help build a new lucid, adequate, truly modern system of democratic procedure—and let an old soldier quietly fade away and lie in peace. I am glad to "move over" and give the right of way to "modern scientific knowledge." Good luck!

Robert W. English
for General Henry M. Robert

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THE USES AND ABUSES OF PARLIAMENTARY PROCEDURE

The Seven Cardinal Sins and the Seven Cardinal Virtues of Parliamentary Practice.

Democracy and parliamentary procedure go together. They go together not only "like a horse and carriage" but actually "like love and marriage." You can't have one without the other.

True democracy is quite different from its counterfeit. Deafening applause greeted Big Boss Nikita Khruschev as he strode into the Communist Party Congress assembly. The 1400 well-trained delegates made the white and gold walls of the Kremlin Hall ring. But Boss Khruschev wasn't satisfied. He turned upon the faithful 1400 and warned them not to applaud every time the big-wigs entered, but to "Behave in the Communist way and show you are the masters of this Congress!"

Brave but banal words. By thus insulting the assembly, Khruschev proved who was the real Boss — himself. The scene reminds one of an incident in Orwell's *Animal Farm*. Equality was stressed, but the Pig Commissars made a neat differentiation: "All animals are equal — but some animals are more equal than others."

This is not democracy. Any good parliamentarian would have called Khruschev to order.

Contrast the Kremlin attitude with that of Aunt Eller in Rodgers and Hammerstein's *Oklahoma!* When the cowman and the farmer kick up a fuss she sings:

"I'd like to teach you all a little sayin'—
And learn the words by heart the way you should:
I don't say I'm no better than anybody else,
But I'll be damned if I ain't jist as good!"

© Copyright 1943 by Williamson Music Inc., New York, N.Y.

This is democracy. Any good parliamentarian would have said she was right.

Aunt Eller had put her finger on the heart of democracy itself: the right to be heard and the right to be safely heard. This is not a leveling philosophy. It does not say that all men are equal in strength, intelligence, or talents. It recognizes fully the need for leadership. But it does say that all men are equal before the law and have the right to speak their minds fully in meetings without fear.

This is no academic matter. It is through the open discussion of the business meeting that the two great values of democracy are realized. The best ideas are thus drawn forth and the rights of members are in this way protected.

In the words of John Stuart Mill, the superiority of democracy rests upon "two propositions of as universal truth and applicability as any general propositions which can be laid down concerning human affairs. The first is that the rights and interests of any person are only secure from being disregarded when the person interested is himself able and habitually disposed to stand up for them. The second is that the general prosperity attains a greater height, and is more widely diffused, in proportion to the amount and variety of the personal energies enlisted in promoting it."

What this means is that all democratic assemblies must function as sounding boards for the best ideas and strive to keep from hurting people. This is as true of the village Parent-Teachers Association as of the American Congress. And it is through parliamentary discussion, channelled and safeguarded by parliamentary procedure, that this process takes place.

we all belong to something

There is another great value in the practice of parliamentary discussion in the American business meeting.

The members of the thousands upon thousands of local boards and voluntary associations thereby keep the habits of democracy ever alive in their hearts. Almost every citizen serves as a member of some group which functions in whole or in important part as a business meeting. E. C. Lindeman reported in his *Social Education* that "It is not uncommon to find citizens who sustain membership in a dozen or more organizations, and I have discovered records running as high as thirty-five or more."

Since parliamentary discussion and procedure are so essential to democracy, and since participation in business meetings is an almost universal experience, it is well at times to re-examine the system as it is actually working. The misuse of parliamentary procedure is common. This is wasteful of time, money, and human energy. At times it can lead to lawsuits! Yet only a little more know-how about parliamentary methods would solve most of these problems.

The Seven Cardinal Sins and Seven Cardinal Virtues of parliamentary practice follow. Avoid the sins and cultivate the virtues to give your business meetings new life.

the seven cardinal sins

SIN I: *The attempt to use parliamentary procedure where it doesn't fit.*

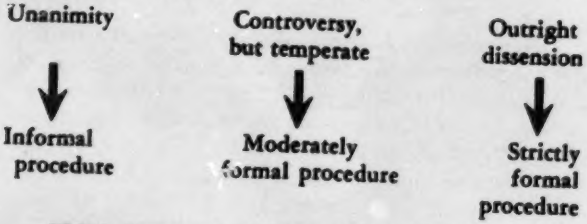
It seems incredible, but at times groups attempt to force purely educational meetings or differences-resolving negotiations into a rules-of-order mould. Educational meetings and conferences of negotiation may at times be a part of, or develop into, parliamentary situations. But such sessions, *per se*, are not parliamentary. Parliamentary procedure is a policy-making tool, meant for use in legislatures, local governing bodies, and in the business meetings of voluntary associations.

SIN II: *The use of as formal a procedure as possible, regardless of the situation.*

This, too, seems almost incredible, but it is a common occurrence. It is also seriously harmful. Parliamentary procedure was made for man, not the reverse. Keep the session just as informal as the situation will permit.

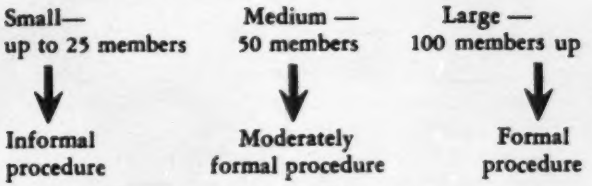
But how can one tell how much rigor in the use of rules of order is wise? Use these three principles to guide you:

1. *Degree of unity in the group.*[1]



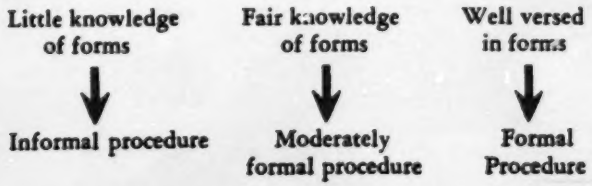
This is the most important principle. When a group is in hearty agreement on the issues at hand, little formality in procedure is necessary even in sizable bodies. The forms necessary for efficiency and legality should be observed, of course, but the chairman can save much time by settling almost all purely procedural matters by general consent. On the other hand, as controversy rises, even when temperate, the need to hold a firm rein increases. And when a group explodes into bitterness, the letter of the parliamentary law must be strictly observed. It may also be well to take a recess.

2. *Size of the group.*



This principle, too, is highly important. Even when much agreement is present, considerable formality of procedure is usually necessary for efficiency in larger groups. It is necessary to control the noise factor, to make possible well distributed debate, and to keep the session length within manageable limits.

3. *Knowledge of parliamentary procedure in the group.*



This principle is less critical than the first two, but also has genuine utility. Groups thoroughly familiar with parliamentary forms like to use them, and a chairman can make good use of this. If the group is small and shows a high degree of unity, however, he will not carry this to the point of undue strictness with regard to the code.

The group which knows little parliamentary procedure presents quite a different problem. Here the chairman will find it wise to offer tactful help in the rephrasing of awkward motions and amendments, and in offering suggestions as to how purposes may be achieved. But he will assuredly not insist on the use of the more technical parliamentary forms when a knowledge of them simply is not present.

SIN III: *The use of formal methods in settling simple procedural matters when actually there is no dissent.*

There is genuine waste in following an unduly formal routine on simple procedural matters where there

is general agreement. In these situations the chairman should make free use of the principle of "general consent." A single objection does stop the use of this method, but much of the time the objection will not be forthcoming.

The chair may often close debate by this method without a formal motion for such action. He simply says, "It seems that we have now discussed this matter quite fully. Unless there is objection, the chair will declare debate closed."

The chairman, too, should call for acceptance of minor changes in the working of a motion—changes in phraseology but not in substance — by general consent. The writer has actually seen an assembly insert a typographically omitted conjunction by a formally made, seconded, and passed motion to amend.

SIN IV: *Running a committee as though it were a miniature assembly.*

This mistake can do a lot of mischief. Some committees do reach such a size, or develop such a spirit of conflict, that there is reason for using formal methods in them. But by and large this is not true. Committees of local government and voluntary associations most commonly have three to five members and seldom more than 10. They should be conducted as genuine face-to-face discussion groups. Their procedure is distinctly different from that of an assembly in at least four ways:

1. *Role of the chairman:* An assembly chairman must be impartial and refrain from discussing issues from the chair (though even he may give judicious advice, as we shall later note). A committee chairman on the other hand should take an active part in the development of ideas and motions. He should not hog the stage, of course. This cuts down on committee cooperativeness and squelches many a good idea before it starts. But he should be an active participant in discussion.

2. *Development of motions:* In a formal assembly, a motion must precede discussion (though even a formal assembly may change itself into a session of informal consideration). But a committee's very purpose is to originate or refine proposals for assembly action, and this reverses the assembly order of consideration. Motions develop from the discussion in the committee.

3. *Freedom of debate:* In the larger, and often *much* larger, parent body, controls on debate are essential. In assembly discussion members are limited to two speeches on the same issue on the same day. And they may not speak for more than ten minutes at a time (many societies require shorter speeches). Motions to further limit debate, and to close debate, are also essential in an assembly. But in a committee there are no limitations on debate and no closure motions. An assembly may impose such debate controls on a committee when necessary, but this is seldom the case.

4. *The general informality of the procedure:* The atmosphere of a committee should be an easy one of give-and-take. Members need not rise to make motions, motions need not be seconded, and the chairman need not rise to put questions.

Patterns of committee discussion will vary with the business at hand. Often the steps followed will be those of the familiar problem-solution sequence. A recent work[1] in parliamentary procedure spells out this sequence thus:

I. What is the nature of the problem?
   (a) What are the facts which show there is a problem?
   (b) Where, how frequently, and under what conditions do these facts occur?
   (c) What are the underlying causes of the facts which indicate a problem?

II. What is the best solution to the problem, taking into consideration:
   (a) The need to be met as above defined.
   (b) The possible solutions available.
   (c) The practicality of the solutions according to:
      1. The experience of other organizations or communities.
      2. The testimony of experts on the solutions.

SIN V: *Refusing an assembly the opportunity for informal discussion.*

For the most part, assemblies probably function best on a formal or semi-formal basis. This does not mean on a stilted, over-technical basis. It does mean a sensible observance of the forms and principles designed for the

purpose, such as requiring a motion before discussion and observing limitations on debate.

But there are times even in an assembly when an informal session may be advisable. Assemblies may be small enough and unified enough to develop some policies in the main body itself. Or, even in larger assemblies, a free exploratory discussion may be helpful before referring a problem to a standing or special committee for further consideration. In these situations the assembly should resolve itself into committee status. It does this simply by passing a motion to go into committee of the whole, into *quasi* committee of the whole, or into informal session.

SIN VI: *Lack of preparation for a meeting.*

A man (or woman) would hardly think of going to his job unprepared, or even to a picnic without some planning as to place, food, and activities. But he will often go to a committee or assembly session in just this state. There seems to be an assumption that since the responsibility in group effort is shared, no one has any individual responsibility.

It is especially important that assembly and committee chairmen plan their meetings with care. Few things will do as much to ensure a successful meeting as a well-prepared agenda—and one set down on paper! In the assembly, this is the joint responsibility of the chairman and secretary.

Rank and file members, too, have a responsibility to go to meetings fully aware of what is coming up and having given thought to these matters. Otherwise, they encourage the officers to look upon the society as their private preserve.

SIN VII: *The failure to observe essential legal requirements in conducting meetings.*

Lawsuits growing out of illegality in organization structure or in the procedure followed are not frequent. But they do occur, and may be quite uncomfortable.

The basic code of an organization states such matters as purpose, policy, membership requirements and privileges. It lists the offices and their responsibilities. This body of principles may be termed the constitution or bylaws, or sub-divided into the two categories. It must conform to the laws of the nation and state and to local

ordinances. The basic code of a society must also conform to the over-all principles of any organization of which the smaller group is a part.

A constitution or bylaws may prescribe its own mode of amendment. The usual requirement is previous notice and a two-thirds vote. Previous notice often consists of submission and reading of the proposed amendment at the preceding regular meeting. Standing rules concern less important matters of routine and are subject to adoption or suspension at any time by a majority vote, to amendment without notice by a two-thirds vote, and to amendment with notice by a majority vote.

A meeting is legally held when it is a REGULAR meeting, a duly voted ADJOURNED meeting, or a properly called SPECIAL meeting. A REGULAR meeting is the periodic assemblage held on the date, or within the date limits, named in the constitution or bylaws. When the organization owns its own hall, the place of assemblage may also be specified. It is more common for the place of meeting, with the hour, to be stated in the standing rules.

A duly voted ADJOURNED meeting is one voted at a regular meeting or at a meeting adjourned from a regular meeting. A quorum must be present at the meeting voting the adjourned assemblage. The purpose of an adjourned meeting is to complete business which should be acted upon before the next regular meeting.

A SPECIAL meeting is one called between regular sessions by the president and/or executive committee. It is also a common and sound practice to require the president to call a special meeting upon the petition of a substantial number of members.

A special meeting is held to transact unforeseen and urgent business. Such a meeting is properly called when it meets the requirement stated in the constitution or bylaws. This requirement usually specifies the number of days of advance notice, the form of the notice (such as by mail), and the naming of the business to come up.

The only major business which may legally be transacted in such a special meeting is that named in the call. Other important matters may be discussed, but any action upon them is subject to later ratification.

Meetings should be legally conducted as well as

legally held. The secretary's record book should confirm that the procedure followed was legitimate.

There are some important things to remember about voting. It is necessary that a quorum be present and that the vote count be legal.

A QUORUM is the percent of the members required to be present for the transaction of business. In official bodies, such as city councils and school boards, and in financial boards elected to conduct businesses, the quorum is usually at least a majority of the members.

Voluntary organizations, such as business, professional, and community societies determine their own quorums. Their constitutions or bylaws should state this percent. If they do not, the quorum in such societies is a majority of the membership. This is a high percent quorum for a voluntary association. Quorums as low as 10 percent are common in large voluntary organizations.

are you ready for the question?

There are two aspects to the legality of a vote count, assuming a quorum to be present: the form of the vote and the majority required.

Most votes except in the election of officers are by voice, show of hands, or standing. Elections of officers are usually held by secret ballot. The method of voting to be used by a society for different purposes should be defined in its constitution or bylaws. If there is no such provision, the society may determine the voting method at the time.

The usual vote required to pass a main motion or to elect officers is *a simple majority of the votes cast by legal voters,* a quorum being present. This does not mean a majority of those present, but of the votes cast.

In elections by ballot, a society may determine whether the majority required for election shall be of all the votes cast or only of those properly marked. Most voluntary organizations require that the majority shall be of all the votes cast, including illegible and improperly marked ballots which are discarded.

Some societies stipulate that the majority shall be of the valid votes cast. This has the effect of reducing the number required to elect. Assuming a quorum to be present and 20 ballots cast, 11 votes are required to elect

under the first method. Under the second method, if a candidate received seven votes, his opponent five, and there were eight discarded ballots, the first man would be elected. He would have a majority of the 12 properly marked ballots.

and now for the seven virtues—

An organization which avoids the seven cardinal sins of parliamentary practice explained above will have gone far in the direction of effective meetings. But there is also a positive side to the picture.

VIRTUE I: *Acceptance of the spirit of the parliamentary tradition—that once a battle is over, the whole organization pulls together.*

Nothing will do more to ensure a successful organization than whole-hearted acceptance of this principle. Discussion battles are to be accepted and expected. The democratic process must be honestly carried out, with full, free, and frank disscusion. But once the final vote has been taken, the minority as well as the majority must go along with the decision.

The importance of this spirit in a group, of acceptance of the principle of "liberty under the law," cannot be overstated. Without it, an organization will at the best function poorly, and at the worst will disintegrate.

The next four virtues comprise the basic principles of parliamentary discussion. They recognize that the whole is greater than its part. If one conducts parliamentary meetings according to these principles, being mindful of the spirit of the parliamentary tradition, there is a good probability that the session will be successful. This is true even though there may occur a goodly number of minor breeches of parliamentary forms on the way.

VIRTUE II: *The honest determination of true intent.*

Organizations exist to carry out their policies. It is therefore of the greatest importance that the true will of the group be determined, regardless of the formal perfection of the forms used. The courts also look closely at this matter of honest determination of true intent.

VIRTUE III: *Insistence upon fair and meaningful discussion.*

It is only through discussion and debate in both committee and assembly that the great values of the democratic process may be gained. From this verbal interchange spring the fresh, new ideas. It is also in discussion that individuals and sub-groups protect their rights by speaking up for them. Parliamentary procedure insures that this discussion shall be orderly and fair. These are great values, make no mistake about it. ***But the discussion itself is the thing.*** Never let sheer technicality of method get in the way.

VIRTUE IV: *Protection of the rights of the minority.*

A minority should always be given a fair hearing. In Ibsen's *An Enemy of the People,* Dr. Stockmann cries, "The minority is always right!" This is certainly an overstatement. But the minority *may* be right, or at least partially right. If you don't hear them, how can you tell? Not only this, but a minority that has been given a fair hearing will usually swing into line behind majority policy even though its own program was defeated. A faction crushed without the chance to speak up for itself may harbor bitterness for a long while.

All too often, the writer has seen majorities override minorities before anything like real debate had taken place. Part of this springs from sheer ignorance of the basic assumptions of the democratic process, and not from malice. A good many people so misunderstand democracy that they think it is a mere matter of head-counting. They are flatly wrong. Discussion is at the heart of the process. It is for this reason that voluntary associations almost always require a two-thirds vote to close debate in the assembly, and that committee discussion is for the most part subject to no restriction.

Legislatures commonly close debate in assemblies by a majority vote. But this is because the two-party system assumes a more or less consistent majority for one party. Even under this method, the two parties ordinarily treat one another with due consideration as to the amount of debate permitted. But in voluntary associations, it is much better if no permanent majority and minority view-

points develop—if, instead, the makeup of the majority and minority shift with the issue.

VIRTUE V: *Protection of the rights of the majority.*

Because the minority should be heard, it does not follow that it need be heard *ad infinitum.* In particular, if the opposition is unreasonable or obviously motivated by factors against the best interest of the organization, it should be curbed. Even when the opposition is sensible and honestly motivated, it is entitled to only a fair hearing—not to more. Democracy is predicated on the rule of the majority. It is therefore proper to close assembly debate after a reasonable amount of discussion.

We now turn to two virtues somewhat apart from the code itself but of genuine importance in parliamentary discussion.

VIRTUE VI: *The implementation of discussion through use of principles of human relations and persuasion.*

Man does not live by bread alone. The rules provide a framework for effective discussion. But they do not provide, and do not claim to provide, those skills of inter-personal relations and speech-making so important to the democratic process. These skills, too, you must develop and practice.

VIRTUE VII: *The use of common sense.*

Many times a chairman or member must use his own judgment on how to proceed. The chairman is often the president of the organization. He is therefore the organization's leader as well as its assembly presiding officer. At times he may see fit to offer judicious, temperate advice without leaving the chair. If he wishes to debate the matter outright, he will, of course, relinquish the chair for the time being. Upon occasion, too, a chairman may permit some discussion of a matter before a motion is offered, even in a formal assembly. These are questions of judgment.

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[1] *Similar charts and explanations of how to adapt procedure to the group appear in Joseph F. O'Brien,* Parliamentary Law for the Layman, *New York: Harper and Brothers, 1952. pp. xvii-xviii.*
[2] Ibid. *pp 91-92.*
[3] Collected Works of Henrik Ibsen. *New York: Charles Scribner's Sons, 1908. Vol. VIII, p. 134.*

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The Chair Recognizes—

In any deliberative body where matters are settled by debate followed by a vote, a chairman wields extraordinary power. A ruling made by him has the strength of the whole group behind it. He is at once the servant and the master of the group. He must always be answerable to the majority who put him into office, and to the minority whose rights it is his duty to protect.

Mr. Chairman, remaining as impersonal as his title, presides at any meeting where decisions are made by voting. He does his task according to the rules of parliamentary order. There are exceptions. In any group where a consensus, or full agreement, is needed, parliamentary rules may be a hindrance to reflective thinking. For example, a church organization holding an annual meeting will need to follow the rules of parliamentary procedure to avoid swamping themselves in a maze of small talk and unproductive discussion. By contrast, the same church's board of trustees would find such rules a hindrance in an attempt to discover the most effective means for increasing by 10% next year's budget.

a case in point

Now let's watch an effective chairman in action with an alert group of people interested in conducting business. This building is the Dixville School and there are two meetings to be held here tonight. Let's watch Les Small, president of Dixville School P.T.A. It's now one minute before 8:00 P.M. and Les will start on time.

"The meeting will come to order. The Secretary will read the minutes of the last meeting." That's Les speaking now.

"If there are no objections or corrections, the minutes stand approved as read."

Did you notice how Les looked at everyone and waited for a moment to see if there would be a response to his question? Next, he will read the agenda for the meeting. Watch what happens if the group from Archer Street suggests any change in it.

"Mr. Chairman, I propose that we discuss the bus service for Archer Street first."

"Such a change would be in order," replies Les, "but hadn't we better hear the committee reports first? One committee has something to say about bus service . . ." Les is showing the group now why the agenda is planned as it has been.

Oh, watch out, there's the Archer Street man on his feet again. "Mr. Chairman, I move that we discuss the bus service first."

"Is there a second to the motion that we discuss the bus service first? . . . The motion is dead for want of a second. We will proceed with the agenda as stated."

Did you notice the lady sitting near Les at his left? That's his parliamentarian. She's a stickler for following the rule and everyone respects her judgment for she's seldom wrong. No, you won't hear her speak in the meeting. Her advising is done in private. She usually meets with the P.T.A. Executive Committee and does plenty of talking then to instruct them how to avoid mistakes.

Let's go now to the Auditorium where there's a union meeting scheduled for 8:30 P.M. It's the Amalgamated Soft Metals Workers, Local 92. They had difficulties lately and had their charter lifted for two years. Tonight they are going to try to reorganize and elect a slate of officers.

Judge O'Hara is to be the chairman of the meeting. He has a good reputation among these union men as a square shooter.

That's Judge O'Hara rapping his gavel for order.

"And now," says Judge O'Hara, "the first item of business is the election of your President. The chair recognizes the gentleman in the 5th row."

"Mr. Chairman, I nominate Henry Graff."

Loud voice from the rear: "I don't want that dirty — — — — to be our President."

Judge O'Hara: "That statement is out of order. No one will speak who has not been recognized by the chair."

You watch Joe Big. He's the man who yelled. When the judge gives him a chance, he won't talk. Joe was one of the men who helped the union lose its charter two years ago. My guess is that we won't see much disorder here tonight. The judge is known to be absolutely fair. Besides, the college professor sitting at his right is serving as parliamentarian, and has been teaching a class of union members lessons in parliamentary law. Most of them know what is required for a successful meeting.

all in favor, say aye—

In the two illustrations given, the chairman is shown as a leader who knows his rules of order and how to handle people. Parliamentary law is used as a valuable tool to help him conduct his meeting in an effective way.

The basis for any discussion is the "motion."

"I move that we assess our members $1.00 each to pay for refreshments," indicates the wish of one member.

"I second the motion," shows that another member wants a debate on the motion. He may be for or against the idea expressed. Since two members have, in effect, requested debate on the subject, the chairman must permit discussion from the floor.

Debate may include not only comments pro and con, but the offering of amendments to the motion. In voting, the last motion made is voted upon first, and finally the motion as amended is disposed of by a vote (unless tabled, or otherwise delayed).

In most organized groups an order of business, or agenda, is prepared. Authors of books on parliamentary law suggest that the order to be followed is:

(a) reading of minutes
(b) report of officers and standing committees
(c) unfinished business
(d) new business.

As we observed in the two meetings we visited, people were addressing each other by title rather than by name, by "the gentleman" rather than "you." This emphasizes the fact that under parliamentary rule we discuss *propositions*, not *personalities*. I may dislike intensely what you say, but like you as a person. You may

disagree strongly with my point of view, yet seek my company for lunch. Parliamentary law protects us in our personal relationships as we deal objectively with matters of policy affecting us all. The secret ballot is an example of how we protect ourselves from possible personal censure as we vote our convictions.

Every decision under parliamentary rule is made by voting. Even when the chairman announces, "Without objection, the minutes stand approved as read," he is in effect, taking a vote. *Silence gives consent.* Decisions are made by a majority vote, a two-thirds or a three-fourths majority, or by unanimous vote, depending upon the importance of the matter being decided.

For example, to lay a motion on the table (postpone discussion) requires a majority vote. To close debate (the previous question) requires a two-thirds vote. A three-fourths vote may be required for amending a constitution. Unanimous consent may be required for certain privileges—as in the U.S. Congress for the privilege of extending remarks in the *Congressional Record.*

contrary, no—

During debate the right to be heard remains for everyone regardless of his point of view. Time limits may be set, but no one may be denied the right to speak. To protect the majority from a filibustering minority, any one of various methods of closing debate may be employed. But the impatient members of the majority must sit quietly while the one-speaker-at-a-time rule is in effect.

Following a vote to decide a motion, deliberative groups frequently want to reconsider the matter. An ingenius rule protects the majority from attack by an obstinate minority. The rule requires that only a member who voted *for* the motion may move to reconsider it.

In the enforcement of this rule, as in all other cases, group members do well to remember that following the Golden Rule does much to make effective all parliamentary rules. One church group which was permitting minor squabbles to develop into major quarrels was reminded that the Master whom they professed to serve had set up a rule for them. From then on their tussle with parliamentary matters became less bruising.

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THE ROLE OF THE CHAIRMAN

Ordinarily the assembly chairman is elected, but whether appointed or elected, he should be chosen for his qualifications. Here are three:

1. ***What are his relations with the group?***

The good presiding officer needs rapport with his group. He should know and understand them. They should have confidence in his fairness and respect for his firmness. "Goodtime Charlie" may be a handy man to have at a party, but he's usually too eager to please everyone. "Caspar Milquetoast" may have the quiet qualities of a faithful spaniel, but he is seldom able to run with the hounds. And "Nervous Nellie" is about as useful in the chairman's seat as she is in the back seat of your automobile.

2. ***What does he know about parliamentary procedure?***

If ignorance is ever bliss, it certainly is not in the case of a presiding officer. He needs the same precise knowledge of form and procedure as the hostess at a formal dinner, not because the form is an end in itself, but because it contributes to smooth and efficient operation. Thus the assembly chairman needs to understand the philosophy and objects of parliamentary procedure (maintaining order, expediting business, and ensuring equality of opportunity in decision-making), as well as the technical means (order of business, formal motions, and standard procedures) by which these objectives are accomplished.

3. ***What are his personal attributes?***

In physical terms, he must be able to speak up and make himself heard. Intellectually he must have the capacity for making quick decisions, analyzing the parliamentary situation, and applying appropriate procedures.

In some organizations he may be provided with a parliamentarian, but if he must consult this authority constantly before rendering decisions he had better trade places and let the man who knows wield the gavel.

Most important are his psychological attributes, his sensitivity to people, his awareness not only of what people are saying from the floor, but how they feel about what they say. The obvious virtue words here are *judgment, common sense, tact,* and *impartiality.* But they do not alone describe the chairman's need for being able to sense the mood of the group or the attitudes of its members. Like the jockey in a horse race, the assembly chairman must know when to relax and when to apply pressure.

Granted all this, certain variables may affect his role: the size of the group, its knowledge of parliamentary procedure, and the division of its opinions. These the chairman must take as he finds them. They are a factor in determining whether his rule shall be more formal, rather than less. Yet even this generalization may be modified by the extent to which the members of the assembly are acquainted with and accustomed to working with each other. Though we usually think of the assembly as being governed more rigorously by the accepted rules than the committee, there are still many factors which may require the good chairman to "play by ear."

the assembly chairman in action

As in all other forms of discussion, the formal business meeting requires the chairman to plan, lead, and evaluate.

1. *Planning the assembly meeting.*

Traditional practice, with which there is little cause to quarrel, provides a standard plan for the chairman to follow. Except when the assembly, for good reasons, adopts a special order of business, this is the sequence:

a. Call to order.
b. Reading of the minutes.
c. Reports of standing committees.
d. Reports of special committees.
e. Unfinished business.

f. New business.

g. Miscellaneous.

h. Adjournment.

The wise chairman will flesh out this skeleton with notes on his own outline concerning the committees he knows will be ready to report, and the order in which he will call upon them; the items of unfinished business as reflected in the secretary's minutes, and the order in which they should be considered; and of such new business as he can anticipate. Whenever practicable, the chairman will see that an agenda, incorporating these additional items, is circulated to members in advance, knowing that more thoughtful discussion is apt to result when members have had an opportunity to think about problems ahead of time.

2. *Conducting the assembly meeting.*

At this point the presiding officer may need the wisdom of Solomon, the patience of Job, and the tenacity of Joshua. Lesser men, as most chairman are, will have to settle for as much common sense as they can muster. Aside from the detailed process of handling motions and knowing proper forms — which the good chairman should be willing to study as a minimum qualification for his post — the presiding officer can command the confidence and respect of his assembly by adhering to these simple rules, cheerfully, tactfully, and firmly:

a. Call the meeting to order on time, and proceed with the usual order of business if a quorum is present.

b. Keep the meeting in order at all times: one motion, one speaker, and amity for all.

c. Decide all parliamentary questions, with advice from the parliamentarian whenever necessary. But remember that any decision may be appealed from by two members and subjected to a majority vote of the assembly.

d. Preside impersonally, even referring to himself as "the chair."

e. State each motion (or have the secretary read it) after it has been seconded, then call for discussion. After discussion restate the motion before taking a vote. Announce the results after every vote. (Especially in large meetings, it is desirable to stand up when stating the

motion, putting the question, and announcing the vote, though remaining seated during discussion.)

f. Recognize persons asking for the floor, giving preference to those who have not previously spoken, and those on the other side of the question under discussion in making decisions or giving information. (If the chairman must speak to the motion, or if he otherwise wishes to leave the chair, the proper procedure is to ask the vice-president or some other officer to take charge of the meeting.)

h. Cast a vote on a pending motion only to break a tie, or to make one.

3. *Evaluating the assembly meeting.*

Some form of evaluation of the group reaction to the assembly will be helpful in improving the next assembly. A brief conference among the officers of the organization (including the "opposition" leaders in a two-party situation) will usually suffice to indicate ways of increasing the efficiency of the assembly without sacrificing its democracy.

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THE LAW AND PARLIAMENTARY PROCEDURE

In Indiana a school board consisting of six members met for the purpose of electing a Superintendent of Schools. All members of the board were present. The board convened at 1:30 in the afternoon and two persons were placed in nomination. Three members of the board voted for one candidate; the other three voted for the other candidate. The election was by ballot, and through the afternoon and evening the board proceeded to take 236 ballots without change. By midnight they were apparently becoming disgusted at their failure to reach a decision, so three of the board members left the rostrum where the voting had been taking place and joined those who were watching the proceedings. The case indicates that the members intended to break up the proceedings by leaving the rostrum.

Another ballot, however, was taken and the three remaining members again voted for their candidate and there were no votes for the opposing candidate. Their candidate was thereupon declared elected and, later, when the incumbent refused to relinquish the office, brought an action in *quo warranto* to determine the right to the office.

The court appeared to have no difficulty in reaching a decision. The judges pointed out that although the three persons left the rostrum, they remained present at the meeting; therefore, all members of the board were present, and since three persons voted for one candidate and none for the other, there was a clear majority voting

in behalf of the candidate. He was therefore duly elected and entitled to the office. This was the case of State vs Vanosdal (1892) 131 Indiana 338, 31 Northeastern 79.

parliamentary law defined

Parliamentary law consists of those rules and principles applied by a court in deciding a controversy, such as the one described above, concerning the making of a group decision.

In making decisions involving parliamentary law, the courts are merely performing their duty of determining disputes between individuals. Providing courts for this purpose was one of the first and most essential functions of government. In fact, this matter of settling disputes goes back historically far beyond the development of the legislative process in government.

In order to insure justice for the members of any community there must be some authority available to which anybody can go to get a determination of a question involving his rights. This is true in all societies from the most primitive to the most complex. For a government to fail to perform this function would be to fail in its duty to protect the weak from the strong and the law-abiding from the lawless.

when parliamentary law will be applied

When and in what circumstances will the courts apply parliamentary law in the decision of a case? The answer is simple and direct. Whenever a dispute between individuals or groups is brought before it, in which is involved the procedure of reaching a group decision, parliamentary law applies. One of the rights guaranteed a person is the right to have the protection of the law of the land, and whenever he feels that he has been injured unjustly he has the right to demand that the court protect him by a decision based upon the law.

This law may or may not react to the benefit of the aggrieved person (or group). For instance: A minister in New York State, when appointed to serve at a church, apparently had been led to believe that he would receive an increase in compensation. The increase was not received. The minister, being unhappy, called the congregation together and told them of his desire for an increase in compensation.

A number of members spoke up and said what a fine thing it would be if the minister could receive a raise. They even circulated a form of subscription for the purpose of raising money to increase the salary of the minister. However, it seems that nothing came of the plan, and the minister, being even more unhappy, applied to the courts for an order compelling the church to pay the compensation he had anticipated.

The court, however, upon reviewing the facts, reached a different conclusion. The principal factor here was the validity of any decision reached at the meeting, and with reference to this the court said: "The proper way to ascertain the wishes of a majority of a deliberative assembly is by a vote of some kind."

It explained it could not assume from what was said at the meeting that a majority of the membership actually intended to vote a raise, and so, said the court, the minister was not entitled to a raise, and this left the minister more unhappy still. This was the case of Landers vs Frank Street Methodist Episcopal Church (1899) 114 New York, Page 626, 21 Northeastern, Page 420.

where is parliamentary law found?

Parliamentary law is found in the many court decisions made on these subjects over the past few centuries. The decisions are in the court reports. Like all other decisions they are published, digested, and indexed.

In reaching these decisions the courts have considered, in addition to their previous decisions, the practices of legislative bodies and groups of all kinds. Evidence in many cases consists of decisions made by the presiding officers on points of order, or decisions by the group made on appeals of the decisions of the presiding officer. But, when a decision has once been made on a question, that decision is applicable to the decision of cases that arise thereafter.

Now, just how has parliamentary law developed? In exactly the same manner as common law has developed in other fields. Decision by decision, it has developed by actual cases determined by the courts. This is difficult to demonstrate because it has developed so slowly over a period of centuries. However, the development can be rather simply illustrated by reference to matters more within the experience of all of us.

Suppose we are playing a game of baseball. In general, we all know the rules. And the rules governing most of the situations are known to all the players. This, however, is not sufficient. There are situations not governed by the rules. We must still have the judge or umpire to make decisions. He must determine whether a pitch is a ball or a strike. He must determine whether the runner is out on first or whether he is safe.

In making his decisions, we expect the umpire to decide the same way in cases which are identical or nearly so, for if he should decide one way for one side and another way for the other side, or if he should decide one way at one time and a different way at another time, we would decide that he was not fair.

When the umpire has made a practice of deciding a certain way in a particular situation, we insist that he must always decide the same way in the same situation, and when he does this, he is applying a rule made by his own decisions.

In law, however, we go even farther than this. We insist that our presiding officer decide the question the same way the other presiding officers have decided it before him. When it has become an established practice to decide a particular question in a certain way, the manner of deciding that question has become an established rule and it is applied in that manner thereafter whether the decision is made by court, by the presiding officer of the city council, by the president of the ladies' aid society, or by an umpire of a baseball game. This is the way the rules of common law have developed. This is the way parliamentary law has been made.

applying parliamentary law

An important characteristic of common law is that the actual decision consists of the decision made on the particular facts before the court—not the language which was used. In reaching a decision, the judge compares the facts in one case with the facts in another, and reasons from what was decided in one case to the decision which should be made in another. When interpreting a statute or rule, the court is applying the words of the statute or rule to a case before it.

It can apply the language only so far as it goes, and

when the specific situation is not covered by the statute or rule, the practice of the court is to go back to the principles of the common law, or to the decision of law made by the courts, and to reason from the principles laid down in such decisions rather than to reason from the language of a statute or written rule. A lawyer would explain this by saying that statutes in derogation of the common law are to be strictly construed.

To what type of situations do parliamentary rules apply? They apply to cases where group decisions are being made and differences of opinion reconciled. They apply without being adopted and without the members of the group even necessarily knowing that they are being governed by such rules. Anyone who feels that his interests have been injured may take a question to court and the court in making the decision applies the law.

you can make your own rules, but—

May a private voluntary organization adopt its own rules? Of course it may do so, and the courts will support those rules insofar as they conform to public policy and protect the rights of the membership. The difficulty is that it is rarely possible to determine in advance when the courts may declare that the interests of the individual are fairly or properly protected by such rules.

For example, the courts will protect the right of the minority to be heard and present its case; the courts will protect the right of reconsideration even though not provided for in the rules. In a Missouri case, the courts have permitted a majority of a group to amend rules already adopted even though the rules themselves provide that they cannot be amended except by more than a majority. This, in spite of clear provisions to the contrary in the manual which had been adopted.

A carefully prepared set of rules is a great aid in conducting the affairs of a club or association. It will be helpful, too, if the limitations of rules be kept in mind.

basic principles of parliamentary law

There are a few basic propositions from which many of the difficulties in organized groups have arisen, and these have been the source of much of the litigation. Among these requirements are:

1. There must be a quorum present. This is a sufficient number to represent the group and to act for it, and is usually a majority.

2. The action must be taken by a proper vote, usually a majority vote.

3. That the group has acted at a meeting which has been properly called, and adequate notice given to the members.

4. That no action taken infringes upon any rights of any of the members.

The courts carefully protect the organization and its members, and these basic rules are enforced even though they may be contrary to adopted rules or an adopted manual. Adopted rules or manuals which do not conform to parliamentary law may lead members of an organization into serious legal difficulties.

majority vote

Let us take a moment to illustrate one of these problems. The basic requirement of parliamentary law is that not less than a majority vote is required. Some persons seem to have felt, however, that it is more democratic or safer—or perhaps there is some other virtue—in requiring more than a majority, perhaps a two-thirds or a three-fourths vote, to take certain actions.

Analysis of the facts does not justify such a conclusion. Where a majority vote is required, it follows, of course, that the losing side consists of a minority. When, however, a two-thirds vote is required, it means that the will of a majority can be defeated by any vote which consists of more than one-third of the members. And in case of a three-fourths vote, the will of the majority can be defeated by a vote of more than one-fourth.

These requirements for more than a majority vote have the effect of delegating a controlling authority to a minority. It would seem highly desirable that control should not be given to a minority except in very particular cases. The policy of common law can be said without question to be that only a majority vote is required unless there is a specific requirement based on proper authority for a larger vote.

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PUTTING PARLIAMENTARY PROCEDURE TO WORK

Why is parliamentary procedure important? Because organizations are important. Parliamentary procedure is the set of rules of cooperative endeavor by which voluntary organizations work.

But parliamentary procedure is not a form or a ritual. It is an aid in accomplishing the objectives of a group with fairness, harmony, and dispatch.

Parliamentary procedure is logical and fundamental and has developed through centuries of experience. Its principles and rules are almost identical in all free nations of the world. Even primitive tribes follow its essential rules. In America we have a motion to "limit debate." One African tribe allows a speaker to talk as long as he can stand on one foot!

Another group in South America hands each speaker a branch lit from the council fire. When the branch is consumed he must stop. (Probably the popular speakers get the greenest branches, while the quick burning dry branches go to him who is too fond of hearing his own voice.)

Parliamentary procedure has two sources. The first is the law. I agree completely with what Paul Mason has written on this point in the preceding article.

The second source is the widespread practice and observance, over a long period of time, of the great voluntary groups of this country.

No author can create a rule of parliamentary procedure, no author can alter it. He can only interpret the law and the long prevailing practices. A real under-

standing of its few fundamental principles does away with the necessity to memorize rules.

What meetings can profit by parliamentary procedure? Any meeting at which the members wish to transact business with efficiency and in conformity to the law. The courts have held that every meeting which transacts business is subject to the rules of parliamentary law.

How much parliamentary procedure is needed in a meeting? Only enough to keep the proceedings clear and legal. We like to have an extensive vocabulary, but we do not use all of the words all the time. We need to know many words, however, so that we can choose the right word for the particular situation. We should have a thorough knowledge of parliamentary procedure, but the group benefits by keeping the procedure as simple as possible.

how ideas are presented

Parliamentary procedure provides a flexible plan for business meetings. It also establishes flexible procedures for carrying on business. Business is transacted by three simple steps:

1. Proposal of an idea.
2. Consideration of the idea.
3. Decision on the idea.

If you have a definite proposal, you present a motion beginning, "I move . . ." It isn't easy to phrase a motion well. It takes care and thought, but a well stated motion saves time and prevents confusion.

Now suppose you wish to present a problem rather than a definite proposal. Your group is in need of funds. You wish to raise money, but you aren't sure which is the best way of doing it. You might propose your idea thus, "We need to raise more funds somehow. I move we discuss the problem of 'fund raising' informally."

Approval of this motion permits the organization to "go into informal discussion," that is, members may speak more than once and the discussion may cover any form of fund raising. When opinions begin to crystallize around a definite plan of raising money, the informal discussion can be terminated by a motion such as, "I move that we hold a fund raising dinner in the Armory

on Sept. 22 and that we charge $2.00." Presentation of this motion automatically terminates the informal discussion and the regular rules of discussion again apply.

Another way of securing a well thought-out proposal is to refer the problem to a committee for study and recommendation.

how ideas are considered

When a proposal has been stated to the meeting, the second step begins—consideration of the idea. The primary essential for good discussion is a willingness to consider.

Consideration of a proposal requires an open, thoughtful mind and a willingness to listen. Discussion is based on a few fundamental principles. One is that every member has an equal right to discuss. It is the duty of the presiding officer to establish a warm and friendly climate, thus encouraging all to exercise this right.

A second basic principle is that every proposition presented for consideration is entitled to full and free discussion. Thus every member present must be able to hear all the discussion as well as take part in it if he desires. Final discussion, to afford equal opportunity, must take place before the whole group so that each member is in possession of every fact and opinion presented. To be valid, a committee's report must be discussed and voted upon at a meeting of the committee. It cannot be arrived at by consultation with each member individually. The same is true of the decision of an organization.

Another fundamental principle is that every member has the right to know what the question before the assembly means before he votes.

Still another principle which the presiding officer should enforce vigorously is that measures, not men, are open for discussion. A member may condemn a proposal in as hearty terms as he likes. He may term it "ridiculous", or "a menace to our organization." But he cannot reflect in any way upon the proposer of the motion or on another member.

Macaulay stated that "men are never so likely to settle a question rightly as when they discuss it freely." Some proposals, of course, require little or no discussion

for agreement; others require prolonged discussion.

is discussion a duty?

In every organization there are members who enjoy speaking and others who do not. Parliamentary law holds that when a member joins an organization it is his duty to consider all proposals and to vote on all—but it is not a duty to speak unless he wishes to do so. If a member listens, weighs facts and arguments, and votes, he is fulfilling his obligations as a member.

Universal participation in discussion, though agreeable in theory, is impractical except in small meetings. Those who take an active part in discussion generally reflect all the varied views on the subject. There is little left for many to say except "me too" or "me neither."

The listening members are in even a better position to weigh arguments and make decisions than the vocal few. They exercise their own highly effective type of eloquence when they vote. In so doing they emphatically and effectively speak their minds on the proposal at hand. Meetings can profit by listeners as well as speakers and it is important that the listeners realize that they also are contributing to the meeting.

contributing to discussion

If a member wishes to take part in discussion there are many ways of contributing besides making a "speech." The valuable person in any discussion is the member who can listen, size up the situation at any given moment, and make the specific type of contribution which the situation calls for.

For example, if you are puzzled by something that is said or left unsaid, ask a question. Chances are a lot of other people are puzzled by the same thing and will be grateful to you for voicing their question. Your question is a definite contribution.

If the meaning of some phrase is misunderstood, get up and clarify it. If you think that a change in a motion will bring more general agreement, propose an amendment. If a motion is confusing because it has several parts, ask that each part be taken up separately.

If discussion ceases to be objective and members are tense, try a humorous remark or a brief story. This will

often ease the tension and help to bring about agreement.

At one meeting recently, the members were discussing a proposal to erect a new organization headquarters. Discussion had gone on for more than an hour and members were irritated and unwilling to compromise.

Finally a man in the back row got up. "Mr. Chairman," he drawled with a grin, "we're like the centipede Abe Lincoln told about. The centipede's name was Cyril. Cyril's legs all wanted to go in different directions at the same time. When Cyril made up his mind to amble east to a sunnier rock, often the 30 front legs would decide to go south, the 40 rear legs north, and the center legs would mill around indecisively.

"One day in desperation Cyril addressed the legs, 'Legs,' he said, 'all of you insist on going in different directions so I can't go any place. I just stand here and quiver.' "

Everybody laughed and one member called out good humoredly, "If Cyril can solve it, so can we."

Another way to ease tension is to propose a short recess or to refer the question to a committee.

If the speaker is getting off the track, rise to a point of order and tactfully call the chairman's attention to the fact, or ask a question in the form of a parliamentary inquiry, with the purpose of bringing the speaker back to the subject.

If there are several different opinions, point out the facts on which all agree. Even one point of agreement can serve as a basis for further agreement. These are only a few of the many ways of contributing to discussion without "making a speech."

how questions are decided

A third important element of parliamentary procedure is decision making. This is done by taking a vote.

There is no method of determining with certainly, the decision of a group except by taking a vote. No agreement can be enforced unless a vote is taken.

An architect drew preliminary plans for a club house and presented them to the Board of Directors for acceptance. The chairman said that they were "fine plans and the club should accept them." The other directors

agreed and suggested a few modifications. The architect was delighted.

He heard nothing more. Finally he sued for the fee. The court, in denying the fee, said, "There was no vote taken and the plans were therefore not accepted." What was said constituted merely an expression of thought. No definite decision had been made because no vote was taken.

Voting may be by voice, by raising hands, or rising, by ballot, or by roll call. On routine matters it may be done by "unanimous consent."

majority decision

Unanimous agreement is the ideal termination of any discussion. Yet this decision is frequently impossible. What vote should be required for a decision? How many members can make the decision for the group?

Jefferson wrote, "The first principle of republicanism is that *majority decision is the fundamental law of every society of equal rights.* To consider the will of the society, enounced, by the majority of a single vote as sacred as unanimous, is the *first of all lessons in importance, yet the last which is thoroughly learnt.* This law once disregarded, there is no other but that of force."

In conclusion I quote from one of my own books.* The introduction, written by Justice Harold H. Burton of the Supreme Court of the United States, is as fine a statement as I know on the subject of parliamentary law.

"Parliamentary law," says Justice Burton, "is essential to competent self government. It also can help any group make up its mind. It leads, as promptly, fairly, and intelligently as possible, to the discovery of high common factors of agreement.

"Free people will do well to learn its elements with their alphabets and use them in every policy-forming group—from a troop of Scouts to the Parliament of Man. Such procedure enables free people to take united action and yet retain the greatest individual freedom consistent with the interests of all. It is a precious passkey to peace and goodwill."

*Standard Code of Parliamentary Procedure, *Alice Sturgis. New York: McGraw-Hill Book Co., 1951.*

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ADULT EDUCATION ASSOCIATION OF THE U.S.A.

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BOOKS

THE HANDBOOK OF ADULT EDUCATION IN THE UNITED STATES

An authoritative working tool and standard reference for anyone concerned with adult education. Published by the Adult Education Association of the U. S. A. Edited by Malcolm S. Knowles, 656 pages.
Price: $7.50 per copy. 1960.

AN OVERVIEW OF ADULT EDUCATION RESEARCH

The first concise, up-to-date, factual report regarding the adult education field. Published by the Adult Education Association of the U. S. A., Edmund de S. Brunner, David Wilder, Corinne Kirchner and John S. Newberry, Jr., Authors. 278 pages.
Price: $4.00 per copy. 1959.

CREATING A CLIMATE FOR ADULT LEARNING

A carefully edited report of a national conference on architecture for adult education. Sponsored by the Adult Education Association of the U. S. A. and the Division of Adult Education, Purdue University. Edited by Herbert C. Hunsaker and Richard Pierce, 116 pages.
Price: $1.00 per copy. 1959.

ARCHITECTURE FOR ADULT EDUCATION

A graphic guide for those who are planning physical facilities for adult education. Compiled by the AEA Commission on Architecture, 74 pages.
Price: $2.00 per copy.

ADULT EDUCATION ISSUES IN DISPUTE

A series of challenging opinions designed to encourage face to face discussion among individuals who care about these matter, about this movement, and about the outcome of this country's search for freedom and democracy. Published by the Adult Education Association of the U.S.A. Edited by John Walker Powell, 80 pages.
Price: $1.00 per copy. 1960.

INTRODUCING THE AEA

The AEA (Adult Education Association of the United States of America) is a non-profit organization founded in May, 1951, as an instrument for developing a united adult education movement. The general purposes of AEA, as stated in its Constitution, are:

—"To further the concept of adult education as a process continuing throughout life.

—"To promote and develop adult education in the United States by affording opportunities to professional and non-professional adult educators to increase their competence and by encouraging and assisting organizations and agencies . . . to develop adult education activities and to work together in the interests of adult education.

—"To receive and disseminate information about adult education.

—"To promote the balanced development of educational services for adult persons in the United States.

—"To cooperate with adult education agencies internationally."

United in the AEA to further these purposes through a program including field services, conferences, publications, and public relations, are over 12,000 men and women who work with adults in formal and informal educational and training programs. These leaders represent every sector of American society—education, labor, agriculture, industry, religion, social welfare, government service, and a host of voluntary associations.

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